

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EAGLE HARBOR HOLDINGS, LLC, and
MEDIUSTECH, LLC,

Plaintiffs,

v.

FORD MOTOR COMPANY,

Defendant.

Case No. 3:11-cv-05503-BHS

**DECLARATION OF GENEVIEVE
VOSE WALLACE IN
OPPOSITION TO DEFENDANT
FORD MOTOR COMPANY'S
MOTION TO COMPEL
ADDITIONAL DEPOSITION TIME**

I, Genevieve Vose Wallace, declare as follows:

1. I am an active member of the State Bar of Washington and an attorney with the law firm of Susman Godfrey L.L.P. I am one of the attorneys representing Eagle Harbor Holdings, LLC and MediusTech, LLC ("Medius") in this matter. I am over the age of 18 and competent to testify to the facts stated herein.

2. I was first contacted by Pierce Lutter on September 10, 2013 and began representing him that same day. I also notified counsel for Defendant Ford Motor Company of the representation on that same day.

3. Mr. Lutter had a small heart attack over the holidays. The event required time-consuming follow-up care.

1 4. Mr. Lutter informed me of the following regarding his current employment at
 2 Boeing Company. Mr. Lutter provides operational support to the military services as a pilot
 3 of Unmanned Aerial Vehicles (“UAV”). Pursuant to government contracts, he provides
 4 operational support for the military services in UAV operation and flight tests around the
 5 globe. The nature of Mr. Lutter’s employment is stressful, and he receives little warning
 6 and has no control over when he is deployed and the duration of those deployments. He is
 7 deployed to locations that are undisclosed; at times even Mr. Lutter does not know where he
 8 is being deployed until he arrives. The durations of Mr. Lutter’s deployments have ranged
 9 from one week to six months.

10 5. Plaintiffs have offered Ford dates for Mr. Preston’s deposition on at least five
 11 separate occasions, beginning May 2, 2013. *See, e.g.*, Exhibits 10, 11, 12.

12 6. Attached are true and correct copies of the following exhibits:

- 13 a. Exhibit 1 – December 11, 2013 email from counsel for plaintiffs to
 14 counsel for Ford;
- 15 b. Exhibit 2 - December 17, 2013 email from counsel for plaintiffs to
 16 counsel for Ford;
- 17 c. Exhibit 3 - December 17, 2013 email from counsel for Ford to counsel for
 18 plaintiffs;
- 19 d. Exhibit 4 – Excerpts from the December 14, 2012 deposition of Stephen
 20 Ford;
- 21 e. Exhibits 5-8 – Excerpts from the December 20, 2013 deposition of Dan
 22 Preston;
- 23 f. Exhibit 9 – Confidentiality Agreement entered between plaintiffs and
 24 Ford on June 20, 2012;
- 25 g. Exhibit 10 – July 26, 2013 email from counsel for Ford to counsel for
 26 plaintiffs;

- 1 h. Exhibit 11 – June 7, 2013 email from counsel for plaintiffs to counsel for
2 Ford;
3 i. Exhibit 12 – March 29, 2013 email from counsel for plaintiffs to counsel
4 for Ford;
5 j. Exhibit 13 – January 21, 2014 email from counsel for plaintiffs to counsel
6 for Ford.
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2 I declare under penalty of perjury under the laws of the United States that the
3 foregoing is true and correct.

4 Signed this 21st day of January, 2014, at Seattle, Washington.

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6 /s/ Genevieve Vose Wallace
7 Genevieve Vose Wallace
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CERTIFICATE OF SERVICE

I certify that this pleading was filed electronically with the Court and thus served simultaneously upon all counsel of record, this 24th day of January, 2014.

/s/ Duncan E. Manville

Duncan E. Manville